

NOV 30 2009

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
600 E. HARRISON ST. #101 BROWNSVILLE, TX 77801-7114
Clerk of Court

GUCLU YAKUP
PETITIONER,

Vs.

Michael J. Pitts – Field Office Director

Eric Holder – U.S Attorney General

Janet Napolitano – Secretary of Homeland Security

RESPONDENTS

B-09- 267

File # A089-586-224

MOTION FOR IMMEDIATE RELEASE

NOW COMES the Petitioner Guclu Yakup, proceeding **Pro se** and respectfully moves this Honorable District Court of the Third District to **GRANT** him the above captioned Motion for Immediate Release from the Custody of the Immigration and Custom Enforcement (ICE) for the following reasons:

1. On or about August 1, 2007 the Petitioner was in the Custody of the Immigration Authority at Port Isabel Detention Center in Texas for at least 11-months “fighting” his Immigration case then was transferred to Harlingen Texas until Sep 17, 2009.

2. On or about the 27th day of August 2009 the Petitioner appeared before the Honorable IJ William C Peterson and he requested to be deported. He signed the deportation document on that same date.

3. The Immigration and Custom Enforcement made no effort in removing the Petitioner from the United States in 90-days, as required by the law as of 2004 *Zadvydas vs. Davis*.

4. The Petitioner rights has been violated knowingly and intentionally by the government for holding the Petitioner for more than 90-days.

THEREFORE, this Honorable Court should **GRANT an Immediate Release** from the Custody of the Immigration and Custom Enforcement Authority.

Dated this 28th day of November 2009.

Respectfully Submitted

GUCLU YAKUP

A#: 089-586-224

27991 Buena Vista Rd.
Los Fresnos, TX 77866

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on the 28th of November, 2009, I deposited a true copy of Motion To Order Immediate Release in the United States Mail Box at my Place of incarceration at Port Isabel Detention Center 27991 Buena Vista Blvd Los Fresnos, TX 78566 addressed to the Following:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
OFFICE OF THE CLERK
600 E. HARRISON ST. #101
BROWNSVILLE, TX 78520-7114

U.S ATTORNEY GENERAL
ERIC HOLDER
U.S DEPARTMENT OF JUSTICE
10TH STREET AND CONSTITUTION AVE. N.W.
WASHINGTON, D.C 20530-0001

U.S DEPARTMENT OF HOMELAND SECURITY
SECRETARY OF THE DEPARTMENT
JANET NAPOLITANO
1331 PENNSLYVANIA AVE. N.W
WASHINGTON, D.C 20004

U.S DEPARTMENT OF HOMELAND SECURITY
FIELD OFFICE DIRECTOR MICHAEL PITTS
8940 FOUR WINDS DRIVE
SAN ANTONIO, TX 78236

Date: this 28th day of November, 2009.


GUCLUYAKUP
A#: 089-586-224

27991 Buena Vista Blvd
Los Fresnos, TX 78566

01-12

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
2009 W. JEFFERSON AVE, STE 300
HARLINGEN, TX 78550

In the Matter of:
GUCLU, YAKUP

Case No.: A089-586-224

IN REMOVAL PROCEEDINGS

RESPONDENT

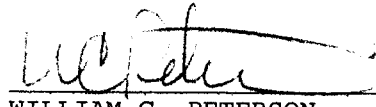
ORDER OF THE IMMIGRATION JUDGE

Upon the basis of respondent's admissions, I have determined that the respondent is subject to removal on the charge(s) in the Notice to Appear.

* Respondent has made no application for relief from removal.

It is HEREBY ORDERED that the respondent be removed from the United States to TURKEY on the charge(s) contained in the Notice to Appear.

Any alien against whom a final order of removal is outstanding by reason of being a member of any of the classes described in INA section 237(a), who willfully fails or refuses to present himself or herself for removal at the time and place required by the Attorney General shall be fined and/or imprisoned for up to ten years. Further, any alien who willfully fails or refuses to depart from the United States pursuant to a final removal order or present for removal at the time and place required by the Attorney General shall pay a civil penalty of not more than \$500 to the Commissioner for each day the alien is in violation of this section.



WILLIAM C. PETERSON
Immigration Judge

Date: Aug. 27, 2009

Appeal: NO APPEAL (A/I/B)
Appeal Due By: _____

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
TO: ☐ ALIEN ☒ ALIEN c/o Custodial Officer ☐ Alien's ATT/REP ☒ DHS
DATE: 08-27-09 BY: COURT STAFF Jenni+OG
Attachments: ☐ EOIR-33 ☐ EOIR-28 ☐ Legal Services List ☐ Other